

MILLBURY PLANNING BOARD
MINUTES
October 23, 2017

The regularly scheduled meeting of the Millbury Planning Board was held on Monday, October 23, 2017 at 7:15 p.m. in the Municipal Office Building, 127 Elm Street, Millbury, MA. Chairman Richard Gosselin presided.

Present: Richard Gosselin, Terry Burke Dotson, Edd Cote, Paul Piktelis, Michael Georges

Absent:

7:15 p.m. Thomas Stratford, Mid State Properties, LLC, 239 Riverlin Street – Site Plan Review and Storm Water Management Permit Public Hearing – Continued

Robert Murphy addressed the Board representing Peter Stratford on his application to develop 239 Riverlin St. Mr. Murphy stated since the last Planning Board meeting they have decided to re-design the entire site to meet the requirements brought to their attention by Stantec review. He added that they have redesigned the entire drainage and have added 1 foot contours and enlarged the drainage basin.

Mr. Murphy advised that the applicant would like to utilize up to 25% of one of the buildings as residential use. He believes this falls under Section 41 of the Zoning By Laws and Mr. Stratford should be able to use the property in this manner. He believes this would be incidental to the use of the property due to security issues stating there has been issues of vandalism on the property. Mr. Murphy stated Mr. Stratford runs a 24 hour emergency service out of this location and a residential use would allow them to keep a watchful eye over the property. Mr. Cote asked if he had the chance to read the letter from the building inspector regarding the use of the property. Mr. Murphy said he had and he would meet with the building inspector to further discuss the use and potential approval for the building.

Ms. Dotson asked when they last met with the Conservation Commission. Mr. Murphy stated they contacted Conservation and advised them they had stabilized the site with erosion controls and they would not be doing further work without Planning Board approval. Ms. Connors advised they will need to go back to the Conservation Commission as they have completely redesigned the drainage system.

Mr. Murphy and the Board members had a discussion regarding a pile of dirt and gravel that is very close to the street pavement. Because of the impending rain, the Board approved them to move the pile of dirt away from the road and level it out within 24 hours.

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Pat Makridakis of 240 Riverlin St. approached the Board. He questioned who actually would be living in the proposed property and what will be happening with the second property. Mr. Cote advised that a second building is proposed, it will be a build-to-suit building but at this time they have not presented to the Board what the building will look like.

Edd Cote made a motion to continue the Public Hearing to November 13, 2017 at 7:45 p.m., seconded by Paul Piktelis, voted unanimously.

**7:30 p.m. Stratford Village – Performance Guarantee and Minor Modification
(playground)**

Michael Staiti representing Stratford Village approached the Board looking for release of units 10 – 16 and to modify the bond amount. He stated that on Ms. Connors recommendation they have agreed to change the form of surety to a tripartite or cash deposit.

On behalf of his customers at Stratford Village he is also asking the Board to consider changing the use of the playground space as they have not sold any units to families with children. The residents would possibly like a community garden. Chairman Gosselin was not in favor. Because the development was originally proposed as a 55+ community the streets were designed to be narrow. When the development was changed from the 55+ community, a playground was implemented to give potential children living in the development a place to play. Chairman Gosselin stated until he knows there will not be children living there he will not consider changing the playground use. They agreed to address this topic again at a later date as the development continues.

Ms. Connors brought to Mr. Staiti's attention that she was under the understanding that he would give cash in exchange for the release of units. If he wants to use a tripartite agreement, then this issue has to be put on hold until the next meeting as it is more of a legal agreement that will need to be drafted by his attorney, reviewed by Town Counsel and voted on by the Planning Board. Mr. Staiti agreed to give a cashier's check in the amount of \$295,551.00 to resolve the issue. Clarification was made, the units being released would be units 15 through 30.

Edd Cote made a motion, conditioned on the receipt of \$295,551.00 a to release units 15 through 30 as shown on plan recorded in Deeds Book 00909 Plan 90 from the covenant dated

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September 29, 2014 recorded in Worcester Deeds book 52853 Page 180, seconded by Paul Piktelis, voted unanimously.

7:45 p.m. Greenleaf Terrace Definitive Subdivision Public Hearing - Continued

John Grenier of Grenier and Associates introduced Mr. Ben Gould from CMG Environmental to the Board. Mr. Gould spoke of the findings on ground water testing at the site. He presented the Board with a packet of information. Much of the information was the same as the information provided at the last meeting. Mr. Gould stated three monitoring wells were sampled back in September. Some of the findings at the time were lead and arsenic in monitoring well #1 and three PAH's in monitoring well #3. At the last Planning Board meeting he stated he believed the results were not 100% accurate and that he would like to test the wells again. Mr. Gould advised they have since purged the wells thoroughly and retested them about three weeks after the purge. The results showed no lead and a small amount of arsenic in monitoring well #1 and in monitoring well #3 the previous PAH's were no longer detected. The past results also detected a small amount of toluene but it was not detected in the most recent testing. He stated they will do a third test on the monitoring wells to determine conclusive evidence. It is in his opinion and experience that the third test typically never varies from the second test.

Ms. Dotson asked, since they will be doing a third test would he consider drilling another well to do further testing. Mr. Gould advised this would be a costly approach. He said ground water is not really going to be the problem. He feels the soil will be the issue and it would be better to spend the money investigating soil issues rather than drilling new wells.

Paul Piktelis asked Mr. Gould who would be on site to monitor things when they begin grading. Mr. Gould advised that he drafted a soil management plan that he recommends adopting. If the contractors see or smell contaminants during construction they will be asked to contact them. They will come out, assess the findings and do additional screening and soil sampling if needed.

Chairman Gosselin asked John Grenier if he had the opportunity to visit the site and assess the area where the potential road will run through. Mr. Grenier said Matt Marra an environmental consultant went to the site and determined that a lot of water does run through that area. In his opinion, based on appearance and condition of the soils he does not believe it is a wetlands area.

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Mr. Grenier also advised the Board that they will address three technical issues at the request of Stantec. They will provide a detail of what the sand will be at the bottom of the detention basin, the perforated pipe at the curtain drain will be dropped 1 foot below the sub grade of the proposed road and they will comply with the AAB (Architectural Access Board). They will also add additional trees along the frontage of McCracken Rd. and within the cul-de-sac island.

Chairman Gosselin suggested that while they are doing perk tests it might be a good idea to have someone from CMG at the site to determine what if any contaminants are found. Mr. Grenier stated someone from the Board of Health will be there while they are doing perc tests.

Bob Prytko of 87 McCracken Rd. addressed the Board. He questioned the appearance of the open air basin, hoping it wouldn't become a mosquito pond with standing water. Mr. Grenier commented as to the design of the basin. He said with the sand bottom there wouldn't be standing water.

Mr. Prytko also asked the Board if they knew of or heard of the PAH's mentioned at the last meeting. He read to the Board information about the compounds. He noted these compounds can be absorbed into the body through drinking water and stated these are extremely nasty compounds. He expressed his concern that Mr. Gould states these compounds are highly unlikely or real considering he found a report from 2002 from North East Geo Science that was filed with the Mass D.E.P. which stated three of the compounds found in the water testing's were found in the soil testing back in 2002. Mr. Prytko feels these compounds are real and should be taken seriously.

Mr. Prytko suggested to the Board that the area drinking wells should also be tested for these PAH's and for metals as they were previously only tested for V.O.C's. Ms. Dotson agreed and suggested to Mr. Gould that the wells be tested for the PAH's in question. Mr. Gould wanted to make everyone aware that it is highly likely Arsenic above drinking water standards may be found in the neighboring wells. The Arsenic found would have nothing to do with the site in question, it would be naturally occurring. He further mentioned, if high levels of Arsenic is found it would be the responsibility of the home owner to address it with the State. Chairman Gosselin suggested Mr. Gould ask the owners if they want their wells retested and advise them of the potential results making them aware of their responsibilities if Arsenic is found.

Edd Cote made a motion to continue the Public Hearing to November 13, 2017 at 8:15 p.m., seconded by Paul Piktelis, voted unanimously.

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Board took a 5 minute recess at 8:50 p.m., resumed at 8:55 p.m.

8:30 p.m. 266 North Main St Extension Special Permits & Stormwater Permits Public Hearing – Natures Remedy of Massachusetts Inc. – Continued

Eric Bazzett updated the Board on the design of Nature's Remedy. He showed plan indicating where they have added three additional parking spaces, a sidewalk and a fire lane. He also showed where they added a parking pad for the use of the Fire Department. Chairman Gosselin asked how the parking pad would be stabilized. Mr. Bazzett explained it would be compacted processed gravel that would be grassed over. Ms. Connors stated that in the draft decision there is a condition under I.(3) stating they are to provide a detail of the fire pad to the Board for review.

Mr. Carr explained the use of the parking pad as a staging area for the fire trucks. Chief Hamilton confirmed he was satisfied with the design proposed.

Edd Cote made a motion to go into executive session under MGL chapter 39,S.23B paragraph 4 to discuss the deployment of security devices, seconded by Paul Piktelis, Richard Gosselin (Aye), Edd Cote (Aye), Terry Burke Dotson (Aye), Michael Georges (Aye), Paul Piktelis (Aye), voted unanimously.

Planning Board returned to regular session.

Edd Cote made motion to close the public hearing, seconded by Paul Piktelis, voted unanimously.

Ms. Connors asked the Board for their opinion of a Condition in the decision. She mentioned it is very likely this facility will become a recreational marijuana facility and at this time there is no guidance from the State as to what the limitations would be. Under Paragraph 6 condition "a" in the decision she specified that any alteration in this facility needs Planning Board approval. The Board was in agreement.

Edd Cote made a motion to grant a waiver for section 12.44(c) requiring an isometric line drawing, seconded by Paul Piktelis, 4 in favor, Michael Georges abstained.

Edd Cote made a motion to grant a waiver for section 12.44(e) requirement to submit building elevation plans at a scale $\frac{1}{4}$ " or $\frac{1}{2}$ " = 1", seconded by Paul Piktelis, 4 in favor, Michael Georges abstained.

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Edd Cote made a motion to grant a waiver from section 12.44(f) waiving the requirement to submit a full traffic impact assessment, seconded by Paul Piktelis, 4 in favor, Michael Georges abstained.

Edd Cote made a motion to grant a waiver from section 12.45 (k) regarding landscape setbacks, a portion of the parking lot is permitted to be within the front landscaping setbacks, seconded by Paul Piktelis, 4 in favor, Michael Georges abstained.

Edd Cote made a motion to grant a waiver from section 12.45(o) requirement to install a granite curb in front of the sidewalk abutting the building. Haunched concrete curb shall be permitted, seconded by Paul Piktelis, 4 in favor, Michael Georges abstained.

Edd Cote made a motion to grant a waiver from section 48.5, waiver of the client to provide a 4ft high 25ft wide earth berm to screen abutting residential properties, seconded by Paul Piktelis, 4 in favor, Michael Georges abstained.

Edd Cote made a motion to grant the application of site plan review approval on Route 146 Highway Corridor Overlay District to Nature's Remedy of Massachusetts, Plan dated October 12, 2017, plans developed by Heritage Design Group. Subject to conditions A through T, seconded by Paul Piktelis, 4 in favor Michael Georges abstained.

9:00 p.m. ANR - 2-4 How Avenue/10 Howe Avenue

The Planning Board received a request for an ANR Plan allowing a land swap to move a boundary line which now meets the minimum required frontage.

Edd Cote made a motion to endorse the ANR plan for 2-4 Howe Ave for the property owned by Paul and Grace Roselund and the property located at 10 Howe Ave owned by Jeffrey Remillard. Plan designed by Land Planning Inc. dated August 17, 2017, seconded by Paul Piktelis, voted unanimously.

9:05 p.m. Casa Verde Village – Performance Guarantee

Ms. Connors read an email from Taniel Bedrosian regarding the release of the Tripartite Agreement in exchange for \$203,578.00 cash bond.

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Edd Cote made a motion to discharge the Tripartite Agreement between the Town of Millbury, HAYR LLC and Milford National Bank & Trust CO. recorded on August 10, 2015 in the Registry of Deeds book 54141 page 109 as amended June 15, 2016 recorded with the Registry of Deeds book 55595 page 313 and as further amended in the Tripartite agreement dated November 28, 2016 recorded in Registry Deed book 56398 page 313, seconded by Paul Piktelis, voted unanimously.

Edd Cote made a motion to accept the cash bond in the amount of \$203,587.00 held as Surety for the completion of Casa Verde Villages, phases 1 through 4, seconded by Paul Piktelis, voted unanimously.

New Business:

Acceptance of Decommissioning Bond from 38 Degrees North

Edd Cote made a motion to accept the Decommissioning Bond in the amount of \$13,338.00 from 38 Degrees North, seconded by Paul Piktelis, voted unanimously.

Other Business:

Ms. Connors brought to the Board's attention the fact that the contract with Stantec Engineering will end on October 31st. She suggested forming a selection committee or scheduling another meeting to select a candidate from the two proposals received. Chairman Gosselin would like to extend the decision one month as the entire Board membership could be involved in the decision.

Ms. Connors and Chairman Gosselin updated the Board members on their site visit to the Solar Farm on Greenwood St. The owners had asked for a modification to change the utility pole servicing the property and cut down a few trees. While on site Ms. Connors & Chairman Gosselin agreed that by shifting the pole they would be able to save the most predominant tree.

Leblanc Drive – Definitive Plan Mylar Endorsement

Edd Cote made a motion to endorse the plan for Division of Land on 1 & 7 Leblanc Dr. Millbury, MA. Plan provided by Andrews Surveying and Engineering dated August 16, 2017, seconded by Paul Piktelis, voted unanimously.

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Minutes

Edd Cote made a motion to accept the minutes of September 11, 2017, seconded by Paul Piktelis, voted unanimously.

Edd Cote made a motion to accept the minutes of September 25 2017, seconded by Paul Piktelis, voted unanimously.

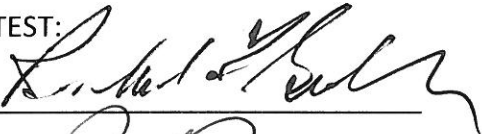
Adjournment

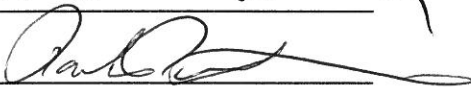
Paul Piktelis made a motion to adjourn, seconded by Edd Cote voted unanimously. Meeting adjourned at 9:50 p.m.


Respectfully submitted,


Pamela Bott

ATTEST:











TOWN OF MILLBURY

DEPARTMENT OF PLANNING & DEVELOPMENT

MUNICIPAL OFFICE BUILDING • 127 ELM STREET • MILLBURY, MA 01527-2632 • TEL. 508 / 865-4754 • FAX. 508 / 865-0857

PLANNING BOARD AGENDA

October 23, 2017

- 7:15 p.m. Thomas Stratford, Mid State Properties, LLC, 239 Riverlin Street - Site Plan Review and Storm water Management Permit Public Hearing - Continued
- 7:30 p.m. Stratford Village – Performance Guarantee and Minor Modification (Playground)
- 7:45 p.m. Greenleaf Terrace Definitive Subdivision Public Hearing – Continued
- 8:30 p.m. 266 North Main St Extension Special Permits & Stormwater Permits Public Hearing – Natures Remedy of Massachusetts Inc – Continued
- 9:00 p.m. ANR – 2-4 Howe Avenue/10 Howe Avenue
- 9:05 p.m. Casa Verde Village – Performance Guarantee
- 9:15 p.m. Executive Session - 266 North Main St. Security

New Business:

Other Business:

- 7 Leblanc Drive – Definitive Plan Mylar Endorsement
- Mail, Minutes, Vouchers
- All business not reasonably anticipated to be discussed

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MILLBURY, MASS

SIGN-IN SHEET

Public Hearing 839 Riverlin St - Midstate Properties
 Date/Time 7:15 pm 10-23-2017

NAME	ADDRESS	I WISH TO SPEAK	
		YES	NO
1 Bob Murphy	214 Worn ST Greffen	<input checked="" type="checkbox"/>	
2 Bob Carr	17 Vassar St Manchester		
3 Ashley Esper	B Cedar Hill Rd Gratton		
4 Pat Walker-Davis	240 Riverlin St Millbury	<input checked="" type="checkbox"/>	
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SIGN-IN SHEET

Public Hearing Stratford Village

Date/Time 10-23-17 @ 7:30 p.m.

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SIGN-IN SHEET

Public Hearing 266 N. Main - Nature's Remedy
Date/Time 10-23-17 @ 8:30 p.m.

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SIGN-IN SHEET

Public Hearing ANR - 10 Howe Ave
Date/Time 10-23-17 @ 9:00

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